

## **REMARKS/ARGUMENTS**

Claims 1-11 are pending in the application. The Abstract and claims 7 and 8 are objected to; claim 11 stands rejected as being indefinite; claims 1-3 stand rejected as anticipated by German Patent 24 21 657 (Kurz); and the Examiner considers that claims 4-11 would be allowable if claims 4-10 are rewritten to include all of the limitations of the base claim and any intervening claims and claim 11 is rewritten to overcome the indefiniteness rejection.

### ***Claim Amendments***

Claims 7 and 8 are amended to overcome the objection by deleting apostrophes, and claim 11 is amended to overcome the indefiniteness rejection by changing “element” to “device”.

The amendment of independent claim 1 proposes that the coupling device has a first part with a hook body that is located on the piston rod, that the hook body has at least one return-motion hook that can be moved flexibly and resiliently by the application of force of a guide wedge, and that the coupling device has a second part with at least one tab that is releaseably engageable with the return-motion hook. See, e.g., Specification, p. 3, par. 10; p. 6, par. 40; p. 7, par. 43-p. 9, par. 52. Claims 3-10 depending on claim 1 are amended to address editorial issues raised by the amendment of claim 1, and new claims 12-20 depending on claim 11 correspond generally to claims 2-10 depending on claim 1.

Support for the foregoing amendment is found throughout the specification and in the claims as detailed above. Accordingly, no new matter has been added.

### ***Specification Objections***

The foregoing amendment overcomes the objection by replacing the Abstract with a replacement Abstract omitting the words “invention” and “means”.

***Claim Objections***

The foregoing amendment of claims 7 and 8 overcomes the objection by deleting apostrophes.

***Claim Rejections - 35 U.S.C. § 112***

The foregoing amendment of claim 11 overcomes the indefiniteness rejection by changing “element” to “device”.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-3 stand rejected as unpatentable over Kurz under 35 U.S.C. § 102(b). The rejection is respectfully traversed and reconsideration is requested. Kurz discloses a furniture drawer slide arrangement with an end stop acting as a spring loaded damper in which (a) one part of the damping device, i.e., the cylinder (19), is affixed permanently to one of the rails, e.g., fixed cabinet rail (1); and (b) the other part of the damping device, i.e., the piston rod (25), is affixed permanently to the other rail, e.g., moveable drawer rail (12). In the push-in phase of the drawer, the piston rod (25) that is affixed to the drawer rail (12) slides into the cylinder (19) that is affixed to the cabinet rail (1) and effects a braking or damping action against the manual push-in of the drawer.

There is no hint of teaching or suggestion in Kurz of a damping device connected by the cylinder or piston rod with either the cabinet rail or drawer rail that is coupleable with the other of the cabinet or drawer rail by the other of the cylinder or piston rod by means of a coupling device that has (a) a first part with a hook body that is located on the piston rod and which has a return-motion hook that can be moved flexibly and resiliently by the application of force of a guide wedge; and that also has (b) a second part with a tab that is releaseably engageable with the return-motion hook, as recited in amended claim 1.

On the contrary, instead of a damping device connected, e.g., by the cylinder to the cabinet rail and coupleable, e.g., with the drawer rail by the piston rod by means of a coupling device with a first part having a hook body located on the piston rod and a return-motion hook flexibly and resiliently moveable by application of force of a guide

wedge and a second part having a tab that is releaseable engageable with the return-motion hook, as recited in amended claim 1, Kurz employs a cylinder (19) affixed to the cabinet rail that simply receives a corresponding piston rod (25) affixed to the drawer rail when the drawer is manually pushed in.

Consequently, Kurz does not recite the required combination of limitations proposing a fixed cabinet rail, a lengthwise movable drawer rail, a damping device containing a cylinder and piston rod located in the cylinder and which is connected with the cabinet rail or drawer rail by the cylinder or piston rod and is coupleable with the other of the cabinet rail or drawer rail by the other of the cylinder or piston rod by means of a coupling device that has a first part with a hook body located on the piston rod, which hook body has a return-motion hook that can be moved flexibly and resiliently by the application of force of a guide wedge, and which coupling device also has a second part with a tab that is releaseably engageable with the return-motion hook, as recited in amended independent claim 1.

Because each and every element as set forth in amended independent claim 1 is not found, either expressly or inherently in Kurz, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claim 1 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-10 that depend on claim 1 and which recite further specific elements that have no reasonable correspondence with the reference.

#### ***Allowable Subject Matter***

The Examiner's statement that claims 4-10 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims is noted and appreciated. However, it is believed that the foregoing amendment clarifies the scope of Applicants' claimed invention and clearly distinguishes over the reference applied by the Examiner.

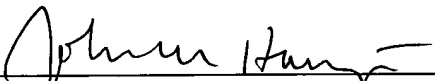
The Examiner's statement that claim 11 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is likewise noted, and the foregoing amendment of claim 11 is believed to overcome the rejection under Section 112. Likewise, it is believed that new claims 12-20 that depend on claim 11 are also allowable.

### Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 6/30/05

  
John M. Harrington (Reg. No. 25,592)

Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7318